

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Tuesday, May 19, 2015, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2587

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS

The purpose of this bill is to identify an enforceable definition and processing parameters under which homestay operations can be permitted with a Use Permit.

All interested persons who wish to present their comments may do so at the public hearing. Written testimonies prior to the hearing would be appreciated. Copies of the proposed ordinance are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2587 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 22, 2015, by the following vote:

AYES: Chock, Kagawa, Kaneshiro, Kualifi, Yukimura	TOTAL – 5,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: Hooser, Rapozo	TOTAL – 2.

Līhu'e, Hawai'i
April 23, 2015

/s/ Jade K. Fountain-Tanigawa
Deputy County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – April 30, 2015)

ORDINANCE NO. _____

BILL NO. 2587

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO HOMESTAYS**

(County of Kaua'i, Applicant)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose: The Council finds the 2000 Kaua'i General Plan recognized the need "to develop a clear policy regarding B&Bs and vacation rentals." The General Plan recommended an implementing action to amend the CZO to facilitate the permitting of existing, nonconforming alternative visitor accommodations. The Council complied with the policy of the General Plan and grandfathered existing single-family transient vacation rentals ("SFTVRs") that registered and met the prior use requirements established in Article 17 of the CZO.

In Ordinance No. 864, the Council further found that:

This bill does not apply to a bed and breakfast unit ("Homestay"). It is the intention of the Council to address these units as a separate matter after establishing a regulatory framework for single-family transient vacation rentals. Homestays are presently regulated through the use permit process.

Although the Council bifurcated the issues of homestays and SFTVRs, it is now appropriate to adopt a clear and specific standard and review parameters under which homestay applications can be processed.

The purpose of this bill is to identify an enforceable definition and processing parameters under which homestay operations can be permitted with a Use Permit.

SECTION 2. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Subsection 8-1.5 as follows:

[**"Homestay"** means a owner-occupied dwelling unit in which overnight accommodations are provided to transient guests for compensation, for one hundred eighty (180) days or less, within the same dwelling unit in which the owner or lessee resides or in a guest house.]

"Homestay" means an owner occupied dwelling unit in which overnight accommodations are provided to transient guests within the same dwelling unit in which the owner resides or in a guest house and the primary residential structure(s) used for the homestay operation is the owner's primary residence, and the respective owner currently benefits under Sec. 5A-11 of this Code for a homeowner's exemption for the homestay site.

ARTICLE 18. HOMESTAYS

Sec. 8-18.1 General Provisions for Homestays

(a) On a first-come-first-serve basis of applications deemed complete by the Planning Department, no more than ten (10) applications for homestay operations shall be reviewed by the Planning Commission each calendar year.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Kaua'i County Code 1987, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

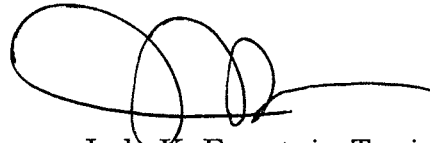
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2587, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 22, 2015, by the following vote:

FOR PASSAGE:	Chock, Kagawa, Kaneshiro, Kualii, Yukimura	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
April 22, 2015



Jade K. Fountain-Tanigawa
Deputy County Clerk, County of Kaua'i